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6  
7 Attorneys for Plaintiff Bona Fide Conglomerate, Inc.

8  
9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA

11 BONA FIDE CONGLOMERATE, INC.,

12  
13 Plaintiff,

14 v.

15 SOURCEAMERICA, et al.,

16 Defendants.  
17

18 AND RELATED COUNTER-CLAIMS  
19

Case No.: 14cv0751 GPC (DHB)

**PLAINTIFF'S *EX PARTE* REQUEST  
FOR A CLARIFICATION OF  
PROTECTIVE ORDER (DKT. 346)**

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiff Bona Fide Conglomerate, Inc. (“Bona  
3 Fide”) moves *ex parte* under Local Rule 79.2(c) for an order clarifying the Court’s  
4 recent order granting in part and denying in part Defendant SourceAmerica’s *ex parte*  
5 application for protective order (“Protective Order”) (Dkt. 346) to designate which  
6 attorneys may review, use, and disseminate the eight excerpts from certain recordings  
7 made by Ruben Lopez that the Hon. Gonzalo P. Curiel found to constitute  
8 SourceAmerica’s privileged information (“Eight Excerpts”), for appellate purposes  
9 only.

10 Good cause exists to grant Bona Fide’s requested relief. The Protective Order  
11 requires that Bona Fide and its current and former counsel return to SourceAmerica all  
12 recordings and transcripts containing the Eight Excerpts and forbids their further  
13 review, use, or dissemination, subject to one exception: lead counsel on an appeal of  
14 Judge Curiel’s disqualification order may review, use, and disseminate the Eight  
15 Excerpts for appeal purposes only. The Court noted that, as of the time that the  
16 Protective Order was entered, Bona Fide had not yet identified which counsel would be  
17 responsible for preparing a writ petition. As such, the Court determined that other  
18 attorneys may also be permitted to review, use and disseminate the Eight Excerpts for  
19 appellate purposes, provided that Bona Fide identify which attorney has been  
20 designated as lead appellate counsel (Dkt. 346, 5:27-6:12).

21 Bona Fide has retained Cooper, White, & Cooper LLP in the limited capacity of  
22 serving as co-counsel with Wright, L’Estrange & Ergastolo for appellate review of the  
23 disqualification order. The attorneys working on the appeal are:

- 24 • Cooper, White, & Cooper, LLP: Mark L. Tuft, Andrew I. Dilworth, and  
25 Sarah J Banola.
- 26 • Wright, L’Estrange & Ergastolo: Joseph T. Ergastolo, Andrew E. Schouten,  
27 and John H. L’Estrange, Jr.

28 (Lopez Decl. ¶¶ 5-6).

1 Bona Fide requests that the above-named attorneys from Cooper, White &  
 2 Cooper and Wright, L'Estrange & Ergastolo be permitted to review, use, and  
 3 disseminate the Eight Excerpts for appeal purposes only.

4 Bona Fide requested that SourceAmerica agree to submit the instant request as a  
 5 joint motion. SourceAmerica declined, on the ground that Bona Fide only needs four  
 6 attorneys to work on the writ petition. Consistent with Local Civil Rule 83.3(h),  
 7 counsel for Bona Fide thereafter informed counsel for SourceAmerica that Bona Fide  
 8 would make the instant request to the Court on an *ex parte* basis (Schouten Decl. ¶¶ 2-  
 9 4).

10 Accordingly, Bona Fide respectfully requests the Court grant this *ex parte*  
 11 application and enter an order permitting the following attorneys to review, use, and  
 12 disseminate the Eight Excerpts for appeal purposes only:

- 13 • Cooper, White, & Cooper LLP: Mark L. Tuft, Andrew I. Dilworth, and Sarah  
 14 J. Banola.
- 15 • Wright, L'Estrange & Ergastolo: Joseph T. Ergastolo, Andrew E. Schouten,  
 16 and John H. L'Estrange, Jr.

17 Respectfully submitted,

18 Dated: October 13, 2016

WRIGHT, L'ESTRANGE & ERGASTOLO

19 Attorneys for Plaintiff Bona Fide  
 20 Conglomerate, Inc.

21 By: s/ Joseph T. Ergastolo.  
 22 Joseph T. Ergastolo  
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